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Clash of 2 U.S. Agencies Stymies Deal on Walker

Questions Raised on Espionage Testimony

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The decision to seek a delay in the sentencing of admitted spy John Anthony Walker Jr., and the underlying issue of whether to try to undo Walker's plea agreement, reflect a bitter ongoing struggle between the Pentagon and the Justice Department over the handling of the Walker case.

The Justice Department announced Wednesday that it would ask U.S. District Judge Alexander Harvey II in Baltimore to postpone Walker's sentencing, now set for Oct. 3. Prosecutors are requesting more time to permit additional questioning of John Walker's brother, convicted spy Arthur James Walker, and others about the activities of the spy ring.

"We are reviewing the matter to make sure that we have all the information that was agreed to be given and that it is accurate," Attorney General Edwin Meese III said at a news conference yesterday. Meese said "questions were raised . . . by various entities within the government and the prosecutors felt it was important that all of those issues be resolved before they could make their presentation to the judge on sentencing."

Some of those interrogating Walker are convinced by polygraph test results and for other reasons that John Walker is lying about the origin and scope of the spy ring. They suspect that Arthur Walker committed espionage while in the Navy—not years later, as both John and Arthur Walker have insisted—and may in fact have been the one who started the spy operation.

John Walker is to be sentenced to life in prison and his son, former Navy Seaman Michael Lance Walker, who also pleaded guilty to espionage, is to be sentenced to 25 years in prison. Both sentences,

however, are contingent on John Walker's fulfilling his promise to "fully and truthfully disclose to the government everything he knows about espionage and espionage-related activities."

A central reason for reaching the agreement was securing John Walker's testimony in the otherwise circumstantial case against his colleague, Jerry Alfred Whitworth, who was convicted of espionage in July and sentenced to 365 years in prison.

In addition, intelligence officials in the Pentagon and elsewhere wanted the chance to grill Walker about the information he provided to the Soviets in order to come up with an accurate damage assessment, while FBI counterintelligence officials wanted to debrief Walker to learn about Soviet "tradecraft," or espionage techniques.

However, some Pentagon officials—understandably outraged at the 17-year hemorrhage of some of their most closely guarded secrets—resisted the idea of bargaining with a traitor and have been unhappy since the Walkers' plea agreement was announced last Oct. 28. John Walker will be eligible for a parole hearing after serving 10 years and Michael Walker after serving eight years and four months.

Navy Secretary John F. Lehman Jr. publicly attacked the plea last October, charging that it "continues a tradition in the Justice Department of treating espionage as just another white-collar crime." Defense Secretary Caspar W. Weinberger rebuked Lehman for his comments.

Polygraph tests given to both John and Arthur Walker months ago indicated that they were providing deceptive answers about Arthur Walker's involvement in the spy ring. However, more intensive questioning of John Walker since Whitworth's conviction has raised

further doubts about his veracity, sources familiar with the case said.

For some of those who were unhappy with the plea agreements to begin with, Walker's deceptive answers on the recent polygraph tests offered a wedge to argue that the entire plea agreement should be undone, and that prosecutors should seek longer sentences for both John and Michael Walker.

John Walker, they argue, has not held up his end of the bargain. "Most of what we know about damage and the extent of the damage has come from the hard work and long hours of the damage assessment team and not from Walker," a Defense Department official said.

The Justice Department, however, has resisted the idea of seeking to undo the plea agreement, for a variety of reasons. As a practical matter, the amount of time John Walker actually spends in prison would probably not be affected by a longer sentence, even though a longer sentence might delay his technical eligibility for parole, because he is considered highly unlikely to be paroled at that early stage.

In addition, by seeking to undo the agreement, some argue that prosecutors would lose what little leverage they have over John Walker—essentially, informing the parole commission about the extent of his cooperation—and ensure that he will never come forward with the truth about the ring.

Finally, it might give Whitworth's defense lawyers ammunition to argue that, if Walker's cooperation with the Justice Department is not to be trusted, neither is his testimony against Whitworth.

The polygraph results, however, could probably not be used in court to justify an argument that Walker has failed to cooperate, and prosecutors would almost certainly need more evidence than that to convince Harvey to undo the agreement.

In grudgingly agreeing to seek a delay, prosecutors are giving investigators a chance to come up with additional evidence of Walker's deception.

"This is the Navy's request as opposed to the Department of Justice's request," Breckenridge L. Willcox, the U.S. attorney for Maryland, said Wednesday.

Meanwhile, John Walker's lawyer, Fred Warren Bennett, said he would not oppose a two-week delay in the sentencing but would object to any longer postponement.

"I want to get it over," he said. "This has dragged on long enough."